

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WAYNE VAN SCOY	:	
	:	
PLAINTIFF	:	C.A.NO. 05-108 (KAJ)
	:	
V.	:	
	:	
VAN SCOY DIAMOND MINE OF	:	
DELAWARE, INC., :	:	
KURT VAN SCOY AND	:	
DONNA VAN SCOY	:	
	:	
DEFENDANTS	:	
	:	
	:	
	:	

NOTICE OF DEPOSITION PURSUANT TO F.R.CIV.P. RULE 30(b)(6)

To: Defendant Van Scoy Diamond Mine of Delaware, Inc.

c/o Sharon Oras Morgan, Esquire
Fox Rothschild LLP
Suite 1300
919 N. Market Street
Wilmington, DE 19801
smorgan@foxrothschild.com
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c/o Charles Quinn, Esquire
Fox Rothschild LLP
2000 Market Street
Tenth Floor
Philadelphia, PA 19103-3291
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TAKE NOTICE that Plaintiff, Wayne Van Scoy will take the deposition of Defendant Van Scoy Diamond Mine of Delaware, Inc. through one or more, officers, directors or managing agents or other persons who consent to testify on its behalf with respect to the subject matter set forth below, at the offices of Ashby & Geddes, 17th Floor, 222 Delaware Avenue, Wilmington, DE 19899, beginning at 10:00 AM on Tuesday September 27, 2005, which date had been agreed upon between the parties, and will continue until complete. The deposition testimony will be recorded stenographically and by videotape (sound and visual). The subject matter on which Defendant Van Scoy Diamond Mine of Delaware, Inc. shall designate person or persons most knowledgeable to testify on its behalf include the following.

1. Alleged permission to use of the marks by the corporation.
2. Use of the marks including, but not limited to, use on sales receipts and the blocking out of "MINE" on Van Scoy Diamond Mine of Delaware, Inc. sales receipts.
3. Nature of retail store operations, 1994 to present.
4. Financial information from 1994 to present, including advertising expenses, profits, gross receipts and expenses and separately for the period of November 18, 2004 to present including gross receipts, profits, expenses and expenses by category.
5. Alleged use by others of the marks and the basis of such use and any infringement.
6. Van Scoy Diamond Mine of Delaware, Inc.'s counterclaims and defenses in this action.
7. The sales area of the corporation.
8. Internet websites at vanscoydiamondmine.com and vanscoydiamondsofdelaware.com.
9. Knowledge that the marks were federally registered and infringement thereof by use of the marks and variations thereof.
10. Knowledge relating to the bankruptcy proceeding of Tommy Van Scoy, Sr.
11. The person most knowledgeable with respect to the blocking out of "MINE" on Van Scoy Diamond Mine of Delaware, Inc. sales receipts.

12. Operation of Van Scoy Diamond Mine of Delaware, Inc. including corporate meetings.

Counsel are invited to attend and take part as permitted by the Rules.

Pursuant to F.R.Civ.P. 34, you are requested to produce for inspection, use as an exhibit and copying at the time of deposition:

1. Any documents or things not previously produced to which the persons designated by Defendant Van Scoy Diamond Mine of Delaware, Inc. has referred to, will refer to or discuss in connection with the foregoing areas of subject matter listed above.

/s/ John G. Day (I.D. #2403)

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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2005, I have served by mail and e-mail this NOTICE OF DEPOSITION PURSUANT TO F.R.CIV.P. RULE 30(b)(6) addressed to the following:

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/s/ John G. Day

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